

## **CHAPTER 20.80**

### **SERVICE STATIONS**

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#### **20.80.010 Purpose**

In order to promote and preserve the public health, safety, convenience, general welfare and general prosperity, it is the intent of this chapter that service stations shall not create increased pedestrian and vehicular traffic hazards and shall not be detrimental to the ordinary maintenance, development and redevelopment of the surrounding area as reflected by the General Plan, zoning regulations or specific plans approved by the City.

The specific purposes of this chapter are to:

- A. Establish locational and minimum land area requirements to insure that service stations have access to arterials and streets sufficiently improved to accommodate traffic generated from the site and that the site is of sufficient size to accommodate the service station and associated uses.
- B. Establish requirements for driveway approaches, vehicle access aisles, and off-street parking to insure safe and efficient internal circulation and to avoid impacts to the flow of traffic on adjacent arterials and streets.
- C. Establish requirements for site design, setback yards, landscaping, lighting, storage areas, utilities, and perimeter walls to enhance the appearance of the service station and to provide sufficient separation and buffering to protect adjacent residential and other land uses.
- D. Establish architectural and site design standards to provide an attractive appearance that is compatible with and complimentary to the community and surrounding land uses and development.
- E. Establish requirements to insure that areas and facilities provided for or visible to the general public are maintained in a safe and clean manner.

- F. Establish operational regulations to insure that service station activities and facilities are conducted in a manner so as to avoid impacts from noise, vibration, dust, odors, glare, electromagnetic interference, and hazardous materials on adjacent land uses.

#### **20.80.020 Use Permit Required**

Unless otherwise prescribed in the individual chapters of this code, a use permit shall be required for any new service station and for any existing service station when one or more of the following events occur:

- A. An expansion of 10 percent or more in floor area within any 12 month period or the cumulative expansion of more than 50 percent of floor area existing at the time of the effective date of this chapter.
- B. Any change in the land area on which the service station is located, whether by purchase, lease, business combination or acquisition, or similar method.
- C. A renovation or any other development that would cost more than 50 percent of the value of the improvements on the parcel at the time of renovation, excluding land value.
- D. The introduction of any of the accessory uses permitted under Section 20.80.070, or introduction of alcoholic beverage sales (see Chapter 20.89: Alcoholic Beverage Outlets), or any similar change in the operational characteristics of the service station.

#### **20.80.030 Required Findings**

In addition to the findings required for use permits by Chapter 20.91, the Planning Commission shall find that the project is consistent with the purposes of this chapter and that the proposed site plan and architecture are consistent with the City of Newport Beach Design Guidelines.

#### **20.80.040 Application Contents**

In addition to the application requirements contained in Chapter 20.90: Application Filing and Fees, an application for a use permit for a service station shall be accompanied by the following information, maps and plans:

- A. A plot plan of the property, drawn to scale, showing location of all buildings, canopies, on-site access and drives, service islands, storage facilities, planting areas, exterior lighting standards, signs, walls, parking spaces, enclosed trash areas, curb cuts and driveway approaches.

- B. Elevations, drawn to scale, including all building and sign faces and materials, textures and colors.
- C. A grading plan, indicating how the property is to be graded and drained.
- D. A landscape and irrigation plan showing the size, location and variety of plant materials to be used, including the botanical and common plant names of each, and the location, type and design of all irrigation systems.
- E. A materials board (specifications and samples of type, color and texture of proposed construction materials).
- F. A written design concept statement identifying the significant architectural and site plan features, the reasoning behind the architecture and site plan proposed, and an explanation of how and why the architectural and site plan features were incorporated into the project design. The statement shall describe how the proposed architecture and site plan are consistent with the City of Newport Beach Design Guidelines: Automobile Service Stations and Washing.
- G. Such other plans, drawings and information as the Planning Director reasonably may require.

#### **20.80.050 Operational Regulations**

The following operational regulations shall apply to service stations and accessory uses.

- A. Location of Activities. All activities and operations shall be conducted entirely within an enclosed structure, except for the following, which shall be permitted unless otherwise conditioned by the use permit:
  - 1. Sale and dispensing of motor vehicle fuel.
  - 2. Incidental, minor maintenance commonly conducted at service islands, such as dispensing of air and water, replacement of windshield wipers, fuses, and lamps, and replenishing motor vehicle fluids and lubricants.
  - 3. Vending machines abutting a building or in a kiosk enclosed on three sides.
  - 4. Vacuuming, hand drying and hand waxing of vehicles.
- B. Storage and Display Outdoor storage and display of merchandise, materials, or equipment shall be limited to the following:

1. Display racks for automotive merchandise no more than 4 feet wide located at each service island.
2. Display racks for automotive merchandise located within 3 feet of the principal building, provided such display racks are limited to 1 display rack per frontage.
3. Temporary outdoor storage and display as provided in Section 20.05.090 (H). All other outdoor storage and display shall require a use permit issued by the Planning Director pursuant to Section 20.60.105: Outdoor Storage and Display.

C. Parking and Vehicle Storage.

1. Off-street parking shall be provided as specified in Chapter 20.66: Off-Street Parking and Loading.
2. Vehicles or equipment in the process of being served may be stored outside for a maximum period of 7 days.
3. The parking of vehicles and equipment for purposes of sale shall be prohibited.
4. The storage of rental vehicles shall not occupy any parking space provided to meet the parking requirements of the service station or any other accessory use.
5. No vehicles shall be parked or stored within the public right-of-way.
6. Fuel delivery trucks shall not obstruct the public right-of-way during delivery.

D. Non-Automotive Retail/Food and Beverage Sales. Up to 50 square feet of net public area may be used for the display and sale of non-automotive merchandise and ready-to-eat and prepackaged food and beverages. Walk-in refrigeration units shall be prohibited.

Exceptions.

1. Floor area used for vending machines shall not contribute to the floor area limit.
2. Accessory uses subject to the provisions of Section 20.80.070.

E. Signs. Signs shall be subject to the provisions of Section 20.67.030 (D).

**20.80.060 Design and Development Regulations**

- A. Applicability. The following design and development regulations shall apply to any new service station and to any existing service station meeting any of the criteria specified in Section 20.80.020.
- B. Location. All service station sites shall front on streets designated as major, primary or secondary on the City Master Plan of Streets and Highways unless the sites are part of or in conjunction with developments such as shopping centers in residential areas.
- C. Minimum Land Area. The minimum land area for service stations shall be 1,500 square feet of land area for each fueling space, 1,000 square feet for each service bay or washing bay, and 3.33 square feet for each square foot of gross floor area used for retail and/or food and beverage sales.
- D. Setbacks. The following setbacks shall be maintained:

Structure	Required Setback (Feet)		
	Interior	Abutting a Street	Abutting an Alley
Service islands	20	20	20
Canopies	5	5	5
Air and water dispensers	10	10	10
Automobile washing, maintenance and repair	18	30	30
Retail and office	0	15	10

- E. Access.
1. Driveways shall be so designed and located as to ensure a safe and efficient movement of traffic on and off the site to and from the lane of traffic nearest the curb. All driveways shall be located and constructed according to the City of Newport Beach Driveway Approach Policy.
  2. Driveways for service stations which are developed as part of or in conjunction with adjacent uses shall be located as part of the total circulation element of such adjacent uses.
  3. On-site driveways all should be a minimum of 25 feet for two-way traffic or 18 feet for one-way circulation.

4. Provisions for on-site queuing lanes shall be made.
  5. Queuing lanes shall not interfere with access to required parking spaces.
- F. Utilities. All utilities shall be installed underground within the exterior property lines of the site.
- G. Drainage. All drainage to the street shall be by underground structures to avoid drainage across City walks or drive aprons, and shall be subject to approval by the Director of Public Works.
- H. Site and Architectural Design. The site plan and architecture of the service station shall provide an attractive appearance that is compatible with and complimentary to the community and surrounding land uses and development and that is consistent with the City of Newport Beach Design Guidelines: Automobile Service Stations and Washing.
- I. Landscaping.
1. Area Required. A minimum of 15 percent of the site shall be landscaped with plant materials designed to provide beautification and screening. Planting areas shall include, but not be limited to, the following:
    - a. A minimum 5 foot-wide (inside dimension) planting areas between driveway approaches.
    - b. A minimum of 150 square foot landscaped area provided at the intersection of two property lines at a street corner. Landscape materials shall not exceed a height of 36 inches.
    - c. A minimum 5 foot-wide (inside dimension) planting area along interior property lines, except where openings are needed to facilitate vehicular circulation to adjacent properties.
    - d. A minimum of 30 percent of the required landscaping shall be provided within 20 feet of the street property lines.
  2. Quantity of Materials. Landscaped areas adjacent to street property lines shall be planted with a minimum of 1 tree and 3 shrubs per every 25 linear feet of street frontage. Landscaped areas adjacent to interior property lines shall be planted with a minimum of 1 tree and 3 shrubs per every 30 linear feet. These calculations establish the minimum number of required trees and shrubs and are not meant to imply linear or equal spacing. Required trees shall be 24-inch box size, or larger. Required shrubs shall have a minimum mature

growth height of 18 inches and shall be a minimum of 5-gallon in size upon installation.

3. Quality of Materials. Plant materials shall be chosen for their screening qualities, beauty and durability. Plantings shall include a mixture of trees, shrubs and groundcovers. All plant materials shall conform to or exceed the plant quality standards of the latest edition of American Standard for Nursery Stock published by the American Association of Nurserymen, or the equivalent.
4. Street Trees. City parkway areas shall be provided with groundcover and street trees as per City standards.
5. Barriers. Planting areas adjacent to vehicular activity shall be protected by a continuous concrete curb or similar permanent barrier.
7. Irrigation. All planting areas shall be provided with a permanent underground automatic sprinkler irrigation system of a design suitable for the type and arrangement of the plant materials selected.
8. Maintenance of Landscaping.
  - a. All landscape materials and landscaped areas shall be maintained in accordance with the approved landscape plan.
  - b. All landscaped areas shall be maintained in a healthy and growing condition and shall receive regular pruning, fertilizing, mowing and trimming.
  - c. All landscaped areas shall be kept free of weeds and debris.
  - d. All irrigation systems shall be kept operable, including adjustments, replacements, repairs, and cleaning as part of regular maintenance.
9. Sight Distances. Landscaping shall be located so as not to impede vehicular sight distance to the satisfaction of the Traffic Engineer.
10. Required Plans. Landscape planting and sprinkler irrigation plans and specifications shall be submitted by the applicant and approved by the Planning Director prior to the issuance of a building permit.
- J. Perimeter Walls. Service station sites shall be separated from abutting residentially-zoned property or property used for residential purposes by 6 foot high masonry or concrete wall utilizing materials similar in color, module and texture to those utilized in the building. Such walls shall be reduced to 3 feet in height within

adjacent street setback areas. Such walls need not be installed when building walls or other acceptable walls already exist on such property lines.

- K. Lighting. Exterior light sources shall be shielded from view and directed away from adjacent properties. Luminaries shall be of a low level, indirect diffused type and shall not exceed a height of 20 feet above finished grade.
- L. Rest Rooms. One men's rest room and one women's rest room shall be provided during business hours for use by service station customers. All rest rooms with exterior entrances shall be located so as to be in clear view of the station's service area, cashier station, or office.
- M. Refuse Storage Areas. Refuse storage areas shall be enclosed by walls and integrated with the design of the service station.
- N. Additional Requirements. It shall be required as a condition of a use permit that the applicant provide the fuel supplier, the property owner and/or lessee each with a copy of the conditions embodied on the permit, and receive a written receipt therefor, so that there shall be no person operating the premises who is not aware of the conditions of operation. If, during any inspection of the premises, the City shall find violations of the requirements of the use permit, it shall notify both the fuel supplier and the operator of the station in order to assure compliance.
- O. Modification or Waiver of Regulations. The Planning Commission may modify or waive any of the design and development regulations contained in this section for the expansion or renovation of an existing service station upon finding that:
  - 1. The strict compliance with the regulations is not necessary to achieve the purpose and intent of this chapter.
  - 2. The project possesses compensating design and development features that offset impacts associated with the modification or waiver of regulations.
  - 3. The overall site plan and architectural design is consistent with the City of Newport Beach Design Guidelines: Automobile Service Stations and Washing.



**20.80.070 Accessory Uses**

- A. Accessory Uses Permitted. The following use classifications shall be permitted as accessory uses to a service station, subject to the approval of an use permit or an amendment to an existing use permit pursuant to Chapter 20.91: Use Permits and Variances.
1. Convenience Markets.
  2. Automobile Washing.
  3. Vehicle/Equipment Repair, Limited.
  4. Electronic Equipment Installation.
  5. Vehicle Rentals.
- B. Supplementary Regulations for Convenience Markets. The following supplementary regulations shall apply to convenience markets operated in conjunction with service stations.
1. Minimum Floor Area. The sale of food and beverages and non-automotive merchandise shall require a minimum of 1,200 square feet of gross floor area, exclusive of vehicle service and washing areas.
  2. Mode of Sale. The sale of merchandise from drive-up windows shall be prohibited.
  3. Signs and Displays. Signs and displays shall not obstruct the sales counter, cash register, seller and customer from view from the exterior.
  4. Arcade and Game Machines. Arcade and games machines shall be prohibited.
  5. Security. The Planning Commission may require the applicant to provide a security program for the site.
  6. Alcoholic Beverage Sales. See Chapter 20.89 (Alcoholic Beverage Outlets).